

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2219

George Walter Hayman,

Appellant,

v.

Little Rock Police Department,

Defendant,

Randy Johnson, Pulaski County
Sheriff,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: October 5, 2004
Filed: October 15, 2004

Before MELLOY, LAY, and COLLOTON, Circuit Judges.

PER CURIAM.

George Walter Hayman, currently confined to the Arkansas State Hospital, appeals following the district court's¹ dismissal of his 42 U.S.C. § 1983 complaint.

¹The Honorable Stephen M. Reasoner, late a United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerry W. Cavaneau, United States Magistrate Judge for the Eastern District of Arkansas.

Having carefully reviewed the record, we dismiss the appeal as untimely, because Hayman filed his notice of appeal (NOA) almost thirteen months after the district court entered judgment, see Fed. R. App. P. 4(a)(1) (in civil case where agency of United States is not party, NOA must be filed within 30 days of district court's entry of judgment), and Hayman failed to move timely, pursuant to Federal Rule of Appellate Procedure 4(a)(5), for an extension of time to appeal, see Fed. R. App. P. 26(b)(1) (court may not extend time to file NOA except as authorized by Rule 4).

Accordingly, we dismiss this appeal. See Burgs v. Johnson County, Iowa, 79 F.3d 701, 702 (8th Cir. 1996) (per curiam) ("A timely notice of appeal is mandatory and jurisdictional.").
